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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12 GLENDON JAMES HAYES, JR.,

13 Plaintiff,

14 v.

15 JO ANNE B. BARNHART,
Commissioner of Social Security,

16 Defendant.

CASE NO. 2:05-CV-00179-PAN (JFM)

STIPULATION AND ORDER
REMANDING THE CASE TO THE
COMMISSIONER OF SOCIAL
SECURITY AND DIRECTING THE
CLERK TO ENTER JUDGMENT

17
18 IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys,
19 and with the approval of the Court as provided below, that the Commissioner has agreed to a
20 voluntary remand of this case pursuant to sentence four of 42 U.S.C. § 405(g) for further
21 proceedings. The purpose of the remand is to offer Plaintiff a new administrative hearing at
22 which he may present any additional evidence he chooses, and a new decision. Upon remand,
23 the Appeals Council will direct the Administrative Law Judge (ALJ) to associate all Plaintiff's
24 disability application and claims files and include all the evidence in those files in the final
25 record; obtain updated records and medical source statements from Plaintiff's treating and other
26 medical sources, including the county mental health clinic where Plaintiff received treatment.

The ALJ will also be directed to obtain supplemental testimony from a medical expert and re-assess Plaintiff's ability to perform his past relevant work and, as needed, other work that exists in significant numbers in the national economy

It is further stipulated that the administrative decision is hereby vacated and that the Clerk of this Court shall be directed to enter a separate judgment herein, as provided for under Rules 58 and 79(a) of the Federal Rules of Civil Procedure, pursuant to Shalala v. Schaefer, 509 U.S. 292, 113 S. Ct. 2625 (1993).

DATED: November 9, 2006

/s/ David J. Linden¹

DAVID J. LINDEN

Attorney at Law

Attorney for Plaintiff

DATED: November 9, 2006

McGREGOR W. SCOTT

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Assistant U. S. Attorney

By: /s/ Bobbie J. Montoya for

SARAH RYAN

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OF COUNSEL:

LUCILLE GONZALES MEIS

Chief Counsel, Region IX

U.S. Social Security Administration

¹ The signature page bearing the original signatures of the attorneys who are filing this document is filed as an attachment hereto. See Local Rule 7-131(e).

ORDER

This matter is hereby remanded pursuant to the stipulation of the parties. The Clerk is directed to enter Judgment.

APPROVED AND SO ORDERED.

DATED: November 16, 2006.


UNITED STATES MAGISTRATE JUDGE

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Hayes.stipord.rem.ss.wpd